



U.S. House of Representatives Committee on the Judiciary F. James Sensenbrenner, Jr., Chairman

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News Advisory

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Sensenbrenner To Highlight Civil Liberty Safeguards in PATRIOT Act Conference Report

WASHINGTON, D.C. – House Judiciary Committee Chairman F. James Sensenbrenner, Jr. (R-Wis.) today began highlighting the dozens of civil liberty safeguards included in the PATRIOT Act conference report pending before the U.S. Senate.

Chairman Sensenbrenner stated, “The PATRIOT Act expires in 29 days on February 3rd. Until then, I will be highlighting many of the dozens of civil liberties protections contained in the conference report that are not contained in current law. A strong bipartisan majority of the House, including 44 Democrats, has already voted for the legislation, and a majority of Senators and the Bush Administration support this new and improved PATRIOT Act. However, a minority of obstructionist Senators are waging a filibuster against the legislation, preventing these civil liberty safeguards from being implemented. I’m hopeful my colleagues in the Senate will utilize the remaining time until February 3rd to evaluate and debate this legislation on its merits, end this shameful filibuster, and support this vital national security law.”

PATRIOT Act Conference Report Civil Liberty Safeguard #1 – Requiring High-Level Approval and Additional Reporting to Congress for Section 215 Requests for Sensitive Information Such as Library or Medical Records:

Section 215 of the PATRIOT Act authorizes the Director of the Federal Bureau of Investigation or a designee of the Director to apply to the Foreign Intelligence Surveillance Act (FISA) Court for an order requiring the production of any tangible things (including books, records, papers, documents, and other items) for a foreign terrorism or spy investigation. This authority provides counterterrorism and law enforcement officials a helpful tool to uncover what activities suspected terrorists or spies are engaged in. The Department of Justice testified in April 2005 to the House Judiciary Committee that a Section 215 order had not been used to request sensitive information such as library, bookstore, medical, or gun records and no evidence has been presented to demonstrate otherwise. Nonetheless, some have raised concerns that this authority

could be abused by mid-level officials to seek sensitive categories of records about law-abiding Americans.

To address these concerns, the conference report provides that when the documents sought relate to certain sensitive categories of records (such as library, bookstore, tax return, firearms sales, educational, and medical records), only the FBI Director, Deputy Director, or Official-in-Charge of Intelligence may approve the application before it can be submitted to the FISA court.

Without the personal approval of one of these 3 officials, the 215 order for these sensitive categories of records may not be issued. Additionally, the conference report establishes enhanced reporting requirements to Congress regarding the use of Sections 215, including a breakdown of its use to obtain library, medical, educational, and other sensitive types of records in order to further protect this authority from possibly being abused. **These civil liberty safeguards contained in the conference report do not exist under current law.**

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